

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-4068

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United States of America,

Plaintiff-Appellee,

v.

Rico J. Maury,

Defendant-Appellant.

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Appeal from the United States  
District Court for the Northern  
District of Iowa.

**[UNPUBLISHED]**

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Submitted: July 22, 2004

Filed: August 12, 2004

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Before MELLOY, LAY, and COLLOTON, Circuit Judges.

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PER CURIAM.

This case comes on appeal on the ground that the district court abused its discretion in sentencing the Defendant at the top of the Sentencing Guidelines range of 70 to 87 months following the Defendant's guilty plea. Defendant's counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967). We conclude the issues raised by counsel are unreviewable. See United States v. Woodrum, 959 F.2d 100, 101 (8th Cir. 1992) (per curiam).

This court has reviewed the record of the district court in accordance with Penson v. Ohio, 488 U.S. 75 (1988), and finds no nonfrivolous issues. Accordingly,

we affirm the district court. See 8th Cir. R. 47B. We grant defense counsel's motion to withdraw. Counsel is reminded of the obligations under Part V of this Court's Amended Criminal Justice Act Plan. Specifically, counsel is to advise the defendant of the right to file a petition for writ of certiorari in the Supreme Court of the United States, and to inform the defendant as to the merits and likelihood of success in the filing of such a petition. If counsel determines there are meritorious issues, defense counsel shall assist the defendant in filing a petition for writ of certiorari. If counsel determines there are no meritorious issues warranting the filing of a petition for writ of certiorari, counsel shall advise the defendant of the procedures for filing a petition pro se, and the time limits for the filing of such a petition. Counsel shall file a certification with the clerk within 30 days certifying that he has complied with his obligations under Part V.

Appellant's pro se motion to file a supplemental brief in light of the recent Supreme Court decision in Blakely v. Washington, 124 S. Ct. 2531 (2004), is denied.

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